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13 Attorneys for Plaintiffs BRIAN PAYNE, JESSE SCHWARTZ,
14 JOSHUA SURRET, JASON HARRE, and JACOB FORD
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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 BRIAN PAYNE, JESSE SCHWARTZ,
20 JOSHUA SURRET, JASON HARRE, and
21 JACOB FORD,

22 Plaintiffs,
23 v.

24 CITY OF ROHNERT PARK, BRENDAN
25 JACY TATUM, JOSEPH HUFFAKER,
26 CHRISTOPHER SNYDER, JEFFREY
27 TAYLOR, BRIAN MASTERSON and DOES
28 1-50, inclusive.

Defendants.

Case No:

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

1 PLAINTIFFS BRIAN PAYNE, JESSE SCHWARTZ, JOSHUA SURRET, JASON
2 HARRE, and JACOB FORD complain of Defendants and alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under 42 U.S.C. § 1983. Jurisdiction is conferred by virtue of 28
5 U.S.C. §§ 1331 and 1343, and by 18 USC § 1964(c).

6 2. The conduct alleged herein occurred in Sonoma County, State of California.
7 Venue of this action lies in the United States District Court for the Northern District of California
8 by virtue of 28 USC § 1391.

9 **PARTIES**

10 3. Defendant City of Rohnert Park is a public entity situated in the County of
11 Sonoma, State of California and organized under the laws of the State of California.

12 4. Defendants Brendan Jacy Tatum, Joseph Huffaker, and Christopher Snyder were
13 police officers employed by the Department of Public Safety for the City of Rohnert Park. They
14 acted in the course and scope of their employment, and under color of state law, at all times
15 mentioned herein.

16 5. Defendant Jeffrey Taylor was employed as a Commander by the Department of
17 Public Safety for the City of Rohnert Park. In that capacity, he was responsible for supervising
18 the activities of the "Interdiction Team" including its most active members, Brendan Jacy Tatum
19 and Joseph Huffaker. He acted and failed to act in the course and scope of his employment, and
20 under color of state law, at all times mentioned herein.

21 6. Defendant Brian Masterson was employed as the Director of the Department of
22 Public Safety for the City of Rohnert Park. In that capacity, he was ultimately responsible for the
23 training, supervision and discipline of all police officers including members of the interdiction
24 team. At all times mentioned herein he acted and failed to act in the course and scope of his
25 employment and under color of state law.

26 7. Plaintiffs do not presently know the true names and capacities of defendants
27 DOES 1 through 50, inclusive, and therefore sue them by these fictitious names. Plaintiffs are
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1 informed and believe that DOES 1 through 50, and each of them, were responsible in some
2 manner for the acts or omissions alleged herein. Plaintiffs will seek leave to amend this
3 Complaint to add their true names and capacities when they have been ascertained.

4 8. In doing the acts and/or omissions alleged herein, defendants and each of them
5 acted under color of authority and/or under color of state law, and, in concert with each other.

6 9. Defendants Tatum, Huffaker, Snyder, Taylor, Masterson and Does 1 through 50
7 conspired to achieve a common goal and/or acted in concert to achieve said goal. In doing the
8 acts and omissions alleged herein said Defendants conspired and/or acted in furtherance of the
9 conspiracy to: (a) unlawfully stop and detain the Plaintiffs; (b) unlawfully search their property;
10 (c) commit robbery and extortion through a pattern of racketeering activity; and (d) obstruct
11 justice to impede or prevent discovery of evidence and prosecution for the crimes committed in
12 furtherance of the conspiracy.

13 STATEMENT OF FACTS

14 10. In or about 2012 the City of Rohnert Park Department of Public Safety created and
15 implemented a drug interdiction team for the purpose of increasing revenue to the City coffers.
16 The express goal was to have members of the team make traffic stops outside of city limits, in the
17 Highway 101 corridor north of Santa Rosa, and seize marijuana and cash suspected of being
18 associated with the illegal sale of marijuana. Approximately fifty-five percentage of the cash
19 seized and reported would be paid to the City of Rohnert Park.

20 11. In or about 2014 defendants Tatum and Huffaker were assigned to the interdiction
21 team. As a result of their unsupervised and often undocumented activities the number of reported
22 traffic stops outside the city limits increased as did the amount of money being received by the
23 City from the forfeiture of cash. Defendant Tatum's efforts were so successful that he was named
24 "officer of the year" and promoted to Sergeant in 2015.

25 12. On November 25, 2015, **BRIAN PAYNE** was traveling southbound on Highway
26 101 just south of Cloverdale, carrying with him five pounds of lawfully possessed cannabis, when
27 without legal justification he was stopped by an unknown police vehicle. Mr. Payne was directed
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1 by an unidentified officer (John Doe 1) to continue to drive down the highway and to pull off at
2 the Asti Exit, a remote and secluded portion of the roadway. Mr. Payne complied, and stopped at
3 the bottom of the off-ramp. He was contacted at the door of his vehicle by John Doe 1 who
4 informed him that he had been pulled over for riding the fog line, which was not true, and is not a
5 violation of California's Vehicle Code.

6 13. John Doe 1 immediately directed Mr. Payne to exit his vehicle and began
7 searching the vehicle without consent or other legal justification, despite Mr. Payne's
8 protestations. Once the officer was inside Mr. Payne's vehicle, Mr. Payne informed the officer
9 that he had five pounds of cannabis in his bag. The officer then removed the bag from Mr.
10 Payne's truck and informed him that he would be confiscating the marijuana, this despite Mr.
11 Payne being a lawful medical marijuana patient, lawfully possessing the cannabis. The officer
12 then told Mr. Payne to get back in his truck and leave. Mr. Payne protested that what was
13 happening was not right. The officer then threatened to arrest Mr. Payne for felony marijuana
14 sales if he didn't leave, so Mr. Payne got back in his vehicle and left the scene.

15 14. Once back on the road, Mr. Payne realized that the officer had kept his driver's
16 license, and that he had never identified himself or said what agency he was working for. Upon
17 this realization, Mr. Payne pulled off the roadway and dialed 911 to report that he had been
18 robbed. The 911 operator was able to confirm that officers from the Rohnert Park Department of
19 Public Safety were performing interdiction operations in the area.

20 15. The officer failed to issue a receipt for any seized property, and issued no citation
21 for any crime or traffic infraction to Mr. Payne.

22 16. On or about December 1, 2015, at approximately 11:00 a.m. plaintiff **JESSE**
23 **SCHWARTZ** was a passenger in a car driven by Evan Jones travelling northbound on Highway
24 101. For no legal reason defendant Tatum, accompanied by another officer, initiated a traffic stop
25 near Cloverdale. Tatum was in uniform and driving a marked police vehicle. Jesse Schwartz was
26 ordered to step out of the car and was handcuffed. Tatum then searched the car without consent
27 or legal justification. While searching the trunk he discovered a small box containing \$55,000
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1 that belonged to Schwartz. Tatum took the money and told Schwartz he had two options: (1) he
2 could be arrested, taken to jail and then attempt to get the money back or (2) he could deny it was
3 his money and avoid arrest, jail and legal proceedings. Schwartz was coerced into signing a
4 “disclaimer” form prepared by Tatum, and was given a citation to appear in court at a later date.
5 Tatum kept the \$55,000.

6 17. Approximately two or three days later Tatum came to Schwartz’s home without a
7 warrant or legal cause, and persuaded his roommate to allow him to search Schwartz’s room
8 while Schwartz was away. Later that day Schwartz was informed that his storage locker had also
9 been searched by Rohnert Park police, also without a warrant or legal cause. None of his
10 belongings were seized or damaged.

11 18. Approximately three months later Jesse Schwartz appeared at the Superior Court
12 for the County of Sonoma on the day and time indicated on the citation. The District Attorney’s
13 office had rejected his case for lack of sufficient evidence of a crime. His money was never
14 returned.

15 19. In December of 2015, **JOSHUA SURRET** was travelling southbound on
16 Highway 101 in the area of the Mendocino-Sonoma County line. He was travelling with twenty-
17 six pounds of legal cannabis being delivered to a medical marijuana dispensary in Santa Cruz. As
18 Mr. Surrat approached Cloverdale, he noticed a Rohnert Park Patrol Vehicle parked on the
19 shoulder of the northbound part of the highway. As Mr. Surrat passed, the patrol vehicle darted
20 out across the highway median and pulled alongside Mr. Surrat’s vehicle. The patrol vehicle
21 stayed alongside Mr. Surrat’s vehicle for a considerable distance, then dropped behind him and
22 initiated a traffic stop unsupported by legal cause. Mr. Surrat yielded to the patrol vehicle and
23 pulled off the side of the road.

24 20. Sergeant Tatum and Officer Huffaker got out of the police cruiser and contacted
25 Mr. Surrat at his vehicle, immediately accusing Mr. Surrat of having cannabis in his vehicle.
26 When Mr. Surrat advised that he did not, the officers became increasingly aggressive, asking Mr.
27 Surrat if he was calling them liars. The officers removed Mr. Surrat from his vehicle and placed
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1 him in handcuffs. Then for the first time the officers asked him for his license and proof of
2 insurance. Already handcuffed, Mr. Surrat told Tatum that the officer could retrieve his driver's
3 license from his wallet located in his pants pocket. Mr. Surrat volunteered to get his insurance
4 paperwork from his glove compartment, but Tatum told him no, that the officers would retrieve it.
5 Mr. Surrat protested, saying that he did not give consent for the officers to enter his vehicle.
6

7 21. While Tatum guarded Mr. Surrat, Officer Huffaker entered his vehicle and opened
8 the glove box, retrieving the insurance paperwork. Huffaker continued searching about the
9 interior of the vehicle, in the center console and under the seats. He then exited the vehicle
10 finding nothing of interest, and shrugged his shoulders at Sergeant Tatum as if to say "I guess
11 there's nothing here." Tatum became angry and began yelling at Mr. Surrat, demanding to know
12 where the money or marijuana was. Mr. Surrat did not reply.

13 22. On the back of Mr. Surrat's pickup truck was a camper top with tinted windows.
14 The officers began trying to peer through the dark glass but could not see anything. They
15 demanded to know what Mr. Surrat had in the back of his truck. Mr. Surrat informed them that it
16 was not marijuana, and offered to retrieve the contents for them. Sergeant Tatum replied that that
17 would not be necessary, as he opened the back of the truck without consent or legal justification.

18 23. Tatum began unloading the contents of Mr. Surrat's truck bed onto the side of the
19 road as Mr. Surrat protested the intrusion more. Ultimately Sergeant Tatum discovered a bin
20 filled with twenty-six pounds of cannabis. Mr. Surrat then explained that he was lawfully
21 transporting the cannabis, and that he was in possession of all the required paperwork. Tatum told
22 him his paperwork was invalid. Mr. Surrat said that he didn't think a judge would see it that way.
23 In response, Tatum became enraged and told Mr. Surrat that he had two options: The officers
24 could seize his truck, his belongings, and his marijuana and arrest him for felonies, or Mr. Surrat
25 could surrender the cannabis and the officers would be on their way.

26 24. Mr. Surrat answered, "Obviously option B, if you put it like that." Tatum then
27 moved very close to Mr. Surrat's face and said, "You don't tell anyone about this either. Not your
28 lawyer, not the collective where the herb is going, no one. If we don't hear from you, you won't

1 hear from us. If your lawyer comes calling asking around the department or anything like that, we
2 will come up to your property in Ukiah. I bet we could find some more felonies if we came up
3 there, huh?"

4 25. Officer Huffaker then pulled out Mr. Surrat's driver's license and took a picture of
5 it with his phone, then took a picture of Mr. Surrat's license plate. Tatum repeated, "Do you
6 understand me? We don't hear from you, you don't hear from us."

7 26. The officers then unhandcuffed Mr. Surrat and began to pull away, leaving Mr.
8 Surrat and the contents of his vehicle on the side of road, but then stopped as Huffaker rolled
9 down his window and asked Mr. Surrat "What strains are in here?"

10 27. On October 3, 2016, **JASON HARRE** was traveling southbound on Highway 101
11 north of the Mendocino-Sonoma County line, lawfully transporting thirty-four pounds of medical
12 cannabis to a medical collective in Los Angeles when a police SUV pulled next to his vehicle and
13 began following him. The patrol vehicle continued to follow Mr. Harre into Sonoma County,
14 through the town of Cloverdale, ultimately initiating a traffic stop without legal justification at the
15 Asti Exit, a remote and secluded portion of the roadway. Mr. Harre yielded to the traffic stop.
16 Officer Huffaker and Sergeant Tatum got out of the patrol vehicle and contacted Mr. Harre at the
17 side of his vehicle. The officers were dressed in commando-like uniforms wearing tactical vests
18 marked "ATF" with chest holsters for their firearms. The officers advised Mr. Harre that he had
19 not been maintaining his lane, ordered him out of his vehicle, and began peppering him with
20 questions about whether he was transporting marijuana.

21 28. Mr. Harre denied that he was transporting marijuana. He admitted, however, that
22 his driver's license had been suspended for failure to pay a traffic ticket. The officers then told
23 Mr. Harre that they would probably have to tow his truck. They again asked what they would find
24 in his vehicle if they searched it. Mr. Harre then acknowledged that he was carrying legal
25 cannabis, and that he had documentation for the cannabis in his vehicle.

26 29. The officers placed Mr. Harre in handcuffs and began to search the vehicle,
27 locating the thirty-four pounds of medical cannabis. The officers told Mr. Harre that they found
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1 no documentation for the cannabis, so Mr. Harre asked them to call the dispensary to confirm the
2 delivery. Sergeant Tatum phoned the dispensary, and confirmed the delivery. Mr. Harre's phone
3 then rang, and Sergeant Tatum answered. The caller was the dispensary's lawyer who confirmed
4 the validity of the shipment.

5 30. Despite this information, the officers continued interrogating Mr. Harre, asking
6 him questions about the techniques he used to grow the cannabis, what strains he was
7 transporting, and other questions which Mr. Harre believed would only be relevant to a broker of
8 marijuana looking to sell another person's product. The officers took Mr. Harre's cannabis and
9 confiscated \$7,000 in cash, providing no receipts for either. Mr. Harre was released with a
10 citation to appear in court.

11 31. Officer Huffaker and Sergeant Tatum submitted the case to the Sonoma County
12 District Attorney for prosecution, but it was rejected for lack of sufficient evidence. Mr. Harre's
13 property was never returned.

14 32. On October 18, 2016, **JACOB FORD** was driving southbound on Highway 101
15 near the Sonoma-Mendocino County line carrying twenty-three pounds of legal cannabis. Just
16 north of Cloverdale, Mr. Ford began being followed by a Rohnert Park Department of Public
17 Safety Patrol SUV. He was pulled over at the Asti Exit for an expired registration. Sergeant
18 Tatum and Officer Christopher Snyder approached Mr. Ford's vehicle and immediately asked if
19 he was in possession of cannabis. Mr. Ford acknowledged that he was in possession of legal
20 cannabis, that it was secured and properly marked and barcoded in compliance with state law.

21 33. The officers ordered Mr. Ford out of his vehicle and began asking him questions
22 about what strains of marijuana were in his possession. The officers then told him he had a
23 choice: he could surrender the cannabis to them and he would be free to go on his way, or they
24 would arrest him for a felony. Mr. Ford protested that what the officers were doing was wrong,
25 and stated that he would rather go to court than lose the cannabis. As a result, Mr. Ford was
26 arrested and cited for felony sales, transportation, and conspiracy. Mr. Ford was cited to appear in
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1 court on February 17th. The officers searched his vehicle without legal justification and
2 confiscated the marijuana.

3 34. Mr. Ford immediately contacted his attorney in an attempt to reclaim the stolen
4 cannabis. Mr. Ford's attorney contacted the Rohnert Park Department of Public Safety and
5 demanded the cannabis be preserved, but according to the Department, the cannabis had already
6 been destroyed, notwithstanding the fact that Mr. Ford's court date had not yet arrived, and no
7 disclaimer of ownership had been signed.

8 35. On February 17, 2017, Mr. Ford appeared in Sonoma County Superior Court, but
9 there was no record of his arrest before the court, and no report had been received by the
10 prosecutor's office. His property was never returned.

11 36. On December 29, 2016, Huedell Freeman was traveling southbound on Highway
12 101 near Cloverdale transporting 47 pounds of legal cannabis. He was subjected to a pre-textual
13 traffic stop by Brendan Jacy Tatum and Joseph Huffaker. After confirming that the marijuana
14 was being lawfully transported to the Higher Path dispensary in southern California, Tatum and
15 Huffaker took possession of the marijuana and issued a citation to Freeman for possession of
16 marijuana. Freeman was notified before his first court appearance that the marijuana had been
17 destroyed though a destruction order was never filed. Mr. Freeman's case is pending in this
18 court. *Freeman v. City of Rohnert Park*, Case No. 18-cv-7661 HSG.

19 37. On December 5, 2017, Ezekial Flatten was traveling southbound on Highway 101
20 near the Mendocino-Sonoma County border transporting three pounds of legal cannabis. He was
21 subjected to an unlawful traffic stop by Joseph Huffaker and another unknown officer. The
22 officers proceeded to unlawfully search his vehicle and discovered the marijuana in a sealed
23 cardboard box. Mr. Flatten was informed that the two men posing as officers were with the ATF.
24 They left the scene without identifying themselves or issuing a citation. Mr. Flatten's case is
25 presently pending in this court. *Flatten v. City of Rohnert Park*, Case No. 18-cv-6964 HSG.

26 38. On or about February 13, 2018, in furtherance of their conspiracy to commit thefts,
27 robberies, extortion, tax evasion, money laundering and obstruction of justice (all are RICO
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1 predicate crimes) defendant Tatum fabricated and caused publication of a false and fraudulent
2 “Press Release” (the “press release”) by and on behalf of the Rohnert Park Department of Public
3 Safety. In violation of 18 USC 1512(b) Tatum’s “press release” falsely claimed inter alia: (1) the
4 theft, robbery and extortion committed against Ezekiel Flatten was “...a traffic enforcement
5 stop...”; (2) the interrogation of Flatten—identified as “the driver” of the stopped vehicle—was
6 “...an attempt to identify the owners of the cannabis the driver possessed...”; and (3) “The
7 officers...believed [the driver] was involved in illegal black market cannabis and acting
8 unlawfully.” Tatum’s false statements in and publication of the “press release” constituted a
9 corrupt endeavor to influence, delay or prevent the testimony of Flatten, the plaintiffs herein, and
10 other yet to be identified victims of Tatum’s and his co-conspirators’ racketeering activities.

11 STATEMENT OF DAMAGES

12 39. As a result of defendants’ conduct, plaintiffs sustained economic damages and
13 consequential damages.

14 40. As a result of defendants’ conduct, plaintiffs sustained and will continue to sustain
15 damages to their careers, reputations, future and prospective earning capacities and wages, and
16 prospective economic opportunities and advantages in an amount determined according to proof.

17 41. As a further result of defendants’ conduct, plaintiffs suffered and will continue to
18 suffer general damages including fear, anxiety, humiliation, and emotional distress in an amount
19 to be determined according to proof.

20 42. The actions of Defendants Brendan Jacy Tatum, Joseph Huffaker, Christopher
21 Snyder, Jeffrey Taylor, Brian Masterson and Does 1-50 were willful, wanton, reckless, malicious,
22 oppressive and/or done with a conscious or reckless disregard for the rights of plaintiffs, who
23 seek punitive and exemplary damages according to proof.

24 43. Plaintiffs have retained private counsel to represent them in this matter and are
25 entitled to an award of attorneys’ fees.

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FIRST CAUSE OF ACTION

[18 USC §§ 1962(c) and (d)] – RICO AS AGAINST

DEFENDANTS TATUM, HUFFAKER, SNYDER, TAYLOR, MASTERSON AND DOES 1-50]

3 44. Plaintiffs hereby incorporates paragraphs 1 through 43 as though set forth in full.

4 45. Plaintiffs allege causes of action against all defendants (excepting the City of
5 Rohnert Park) based on 18 USC § 1962(c) and (d) for conducting and conspiring to conduct,
6 respectively, the affairs of an enterprise through a pattern of racketeering activity by which
7 Plaintiffs have been injured in their businesses and properties.

8 46. Jurisdiction and venue are provided by 18 USC 1964(c) and 28 USC 1391,
9 respectively.

10 47. The “enterprise” (18 USC 1961(4)) through which defendants conducted their
11 racketeering activities is the Rohnert Park Department of Public Safety.

12 48. The numerous predicate crimes committed by defendants causing injuries to
13 plaintiffs and others include: (1) extortion (18 USC 1951(b)(2)); (2) obstruction of justice (18
14 USC 1512(b)(1)); (3) money laundering (18 USC 1956 (a)(1)(A)(i) and(a)(1)(B)(i)); and (4)
15 money laundering by tax fraud (26 USC 7206) and evasion (26 USC 7201 and 18 USC
16 1956(a)(1)(A)(ii)).

17 49. The numerous predicate crimes committed by defendants causing injuries to
18 plaintiffs and others also include California state law crimes: (1) grand larceny (Cal. Penal Code §
19 487); and (2) extortion (Cal. Penal Code § 518) incorporated by 18 U.S.C. § 1961(1)(A) into
20 actionable "racketeering activity," i.e. "... any act or threat involving . . . robbery . . . extortion . . .
21 which is chargeable under State law and punishable by imprisonment for more than one year;"

22 50. Defendants Tatum and Huffaker conducted financial transactions with the
23 proceeds of extortion with intent to promote their continuing racketeering and with the intent to
24 violate 26 USC 7201 and/or 7206 by filing false and fraudulent income tax returns omitting the
25 income from their robberies and extortionate seizures of cash and proceeds of the cannabis sold
26 after acquiring it by theft and extortion. Furthermore, defendants Tatum and Huffaker conducted
27 financial transactions to conceal or disguise the nature, source, ownership and control of the
28 proceeds of their thefts and extortion, including the purchase of personal property such as boats,

automobiles, and household goods with the unreported cash, as well as the purchase of real property. This real property was then improved through the injection of more unreported cash, with the design to later sell it at a substantially increased price, thereby laundering the proceeds of the criminal enterprise.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

SECOND CAUSE OF ACTION
**(42 U.S.C. §1983 CUSTOM AND PRACTICE AS AGAINST
THE CITY OF ROHNERT PARK)**

51. Plaintiffs hereby incorporate paragraphs 1 through 50 as though set forth in full.

52. The custom and practice of the Interdiction Team, including defendants Tatum and Huffaker, was to conduct unlawful stops and unlawful searches for the purpose of stealing cannabis and/or cash in addition to lawful activities. Between 2014 and 2017, defendants Tatum and Huffaker conducted hundreds of stops and unlawful searches, outside of the city limits, while personally enriching themselves from the thefts of marijuana and cash.

53. The custom and practice and racketeering activities alleged herein were authorized, encouraged and condoned by Defendants Brian Masterson, as Director of the Department of Public Safety, and Jeffrey Taylor, as the Commander of the Interdiction Team. They failed to adopt, maintain and implement policies consistent with contemporary law enforcement standards. For example: (1) members of the interdiction team were not required to report when they were on duty and engaged in interdiction activities outside of the city limits; (2) members of the interdiction team were not required to report to dispatch or a supervisor when and where they conducted a traffic stop; (3) members of the interdiction team had the discretion to (a) take possession of marijuana and/or cash without documenting the event, or (b) falsely document the amount of marijuana and/or cash taken into custody; (4) members of the interdiction team were not required to document a chain of custody regarding marijuana and/or cash taken from subjects; and (5) members of the interdiction team were not required to comply with policies regarding the recovery and submission of marijuana into evidence or its ultimate destruction.

1 54. As implemented members of the interdiction team had the discretion to (a) arrest
2 or cite the person(s) who possessed the cannabis and/or cash and report all or some of the
3 property as evidence of a crime, or (b) not arrest or cite the person(s) who possessed cannabis
4 and/or cash, steal the property, and not report the stop and theft.

5 55. This custom and practice was the moving force behind the injuries and damages
6 alleged herein.

7 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

8 **PRAYER**

9 1. For compensatory damages according to proof;
10 2. For general damages according to proof;
11 3. For an award of punitive and exemplary damages against individual defendants
12 according to proof;
13 4. For costs and attorneys' fees pursuant to 42 USC 1988;
14 5. For treble damages, costs, and reasonable attorneys' fees pursuant 18 USC
15 1964(c);
16 6. For such other relief as the Court may deem proper.

17 **JURY TRIAL DEMAND**

18 Plaintiffs hereby request a jury trial on all issues so triable.

19 Dated: August 16, 2019

SCHWAIGER LAW FIRM

20
21 /s/ Izaak D. Schwaiger
22 Izaak D. Schwaiger
23 Attorney for Plaintiffs

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Brian Payne, Jesse Schwartz, Josh Surrat, Jason Harre, and Jacob Ford

(b) County of Residence of First Listed Plaintiff SONOMA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John Houston Scott, SBN 72578; 1388 Sutter Street, Suite 715, San Francisco, CA 94109; (415) 561-9601

DEFENDANTS

City of Rohnert Park, Brendan Jacy Tatum, Joseph Huffaker, Christopher Snyder, Jeffrey Taylor, Brian Masterson, and DOES 1-50, inclusive

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	690 Other	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability		400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	340 Marine	368 Asbestos Personal Injury Product Liability		430 Banks and Banking
151 Medicare Act	345 Marine Product Liability			450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	350 Motor Vehicle	PERSONAL PROPERTY	710 Fair Labor Standards Act	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	355 Motor Vehicle Product Liability	370 Other Fraud	720 Labor/Management Relations	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	360 Other Personal Injury	371 Truth in Lending	740 Railway Labor Act	480 Consumer Credit
190 Other Contract	362 Personal Injury -Medical Malpractice	380 Other Personal Property Damage	751 Family and Medical Leave Act	490 Cable/Sat TV
195 Contract Product Liability		385 Property Damage Product Liability	790 Other Labor Litigation	850 Securities/Commodities/ Exchange
196 Franchise			791 Employee Retirement Income Security Act	890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	IMMIGRATION	891 Agricultural Acts
210 Land Condemnation	440 Other Civil Rights	HABEAS CORPUS	462 Naturalization Application	893 Environmental Matters
220 Foreclosure	441 Voting	463 Alien Detainee	465 Other Immigration Actions	895 Freedom of Information Act
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate Sentence		896 Arbitration
240 Torts to Land	443 Housing/ Accommodations	530 General		899 Administrative Procedure Act/Review or Appeal of Agency Decision
245 Tort Product Liability	445 Amer. w/Disabilities– Employment	535 Death Penalty		950 Constitutionality of State Statutes
290 All Other Real Property	446 Amer. w/Disabilities–Other	OTHER		
	448 Education	540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation–Transfer 8 Multidistrict Litigation–Direct File

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. Section 1962(c)(d)

Brief description of cause:
RICO Act and Monell Liability

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE Haywood S. Gilliam, Jr.

DOCKET NUMBER

18-cv-06964 and 18-cv-07661

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND

SAN JOSE

EUREKA-MCKINLEYVILLE

DATE 08/16/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ John Houston Scott